

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRIAN CHRISTOPHER EATON, *et al.*,

Plaintiffs,

v.

ASCENT RESOURCES-UTICA, LLC,

Defendant.

Case No. 2:19-cv-03412

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Chelsey M. Vascura

ORDER

This matter is before the Court on the Parties' Joint Motion Regarding Notice to Non-Class Members (ECF No. 113.) In August 2024, this Court granted Plaintiffs' unopposed motion to approve Plaintiffs' class action notice plan. (ECF No. 111.) After effectuating notice, the Parties discovered that 44 individuals inadvertently received class notice. (ECF No. 113, PageID 2978.) The Parties now ask the Court for permission to send a letter to those individuals to ensure that they understand that they are not properly within the class definition. (*Id.*) The Parties propose that the settlement administrator Epiq send the following language by letter:

Dear [INSERT NAME HERE],

You previously were provided notice that you were a member of one of the classes in the pending class action case of *Eaton v. Ascent Resources- Utica, LLC*, Case No. 2:19-cv-3412. You were inadvertently included on the class list, which means that you should not have received the class notice that you received in October 2024. There is documentation indicating that your lease includes a clause requiring any disputes to be handled solely by arbitration and not by a court, which the presiding judge has ruled makes your property ineligible to participate as a class member in this case.

If you have any questions, you may contact Class Counsel Ethan Vessels via telephone at (740) 374-5346 or email at ethan@fieldsdehmlow.com, who will provide a review of your lease at no cost to you to determine whether it contains an arbitration clause and is properly excluded from the class.

(ECF No. 113-1, PageID 2981.)

Based on agreement of the Parties and for good cause shown, this Court **GRANTS** the Parties' Joint Motion (ECF No. 113). Plaintiffs are **DIRECTED** to request that the settlement administrator Epiq send the letter with the proposed language above to the 44 individuals referenced in the Parties' Joint Motion within **21 DAYS** from the date of this Order.

IT IS SO ORDERED.

1/3/2025
DATE

s/Edmund A. Sargus, Jr.
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE